



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8029

December 7, 2021

BY ECF

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Association for Accessible Medicines v. James, Case no. 18-cv-8180
SpecGX LLC v. James, Case no. 18-cv-09830

Dear Judge Failla:

At this time the parties respectfully submit this application jointly on behalf of all defendants and on behalf of plaintiffs Association for Accessible Medicines (“AAM”) and SpecGX, LLC (“SpecGX”) to request an extension of time for the plaintiffs AAM and SpecGX to file their applications for attorney’s fees and costs pursuant to 28 U.S.C. § 1988 for a period of sixty (60) days, from the present deadline of December 19, 2021 as set by Your Honor’s Order of October 20, 2021 (filed as ECF No. 44 in *AAM* and as ECF No. 46 in *SpecGX*), until February 18, 2022.

The reason for this request is that additional time is needed because of the combination of the substantial time that these plaintiffs needed to prepare their submissions concerning attorney’s fees and costs and submit them to defendants for review, and the additional time that will be necessary for the defendants to complete their settlement approval process (a multi-level process that must proceed in each of the two relevant agencies, the Office of the Attorney General and the Department of Health), as well as to negotiate the terms of final settlement agreements. This is the first application for this extension. We respectfully submit that judicial economy will be served by the granting of this request.

Hon. Katherine Polk Failla
December 7, 2021

Page 2 of 2

Thank you for Your Honor's consideration.

Respectfully submitted

By:/s/ Seth J. Farber

Seth J. Farber

James M. Hershler

NYS Office of the Attorney General

28 Liberty Street

New York, NY 10005

Telephone: (212) 416-8029

seth.farber@ag.ny.gov

james.hershler@ag.ny.gov

Counsel for Defendants

/s/Matthew D. Rowen

MATTHEW D. ROWEN

KIRKLAND & ELLIS LLP

1301 Pennsylvania Avenue NW

Washington, DC 20004

(202) 389-5931

matthew.rowen@kirkland.com

JAY P. LEFKOWITZ
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800
Lefkowitz@kirkland.com

Counsel for Plaintiff AAM

/s/ Douglas Hallward-Driemeier

Douglas Hallward-Driemeier

ROPES & GRAY LLP

2099 Pennsylvania Avenue, NW

Washington, DC 20006-6807

Telephone: (202) 508 4776

Facsimile: (202) 383-8354

douglas.hallward-driemeier@ropesgray.com

Counsel for Plaintiff SpecGx LLC

Application GRANTED. Plaintiffs AAM and SpecGX shall file their applications for attorney's fees and costs pursuant to 28 U.S.C. § 1988 on or before February 18, 2022. The Clerk of Court is directed to terminate the pending motions at 18 Civ. 8180 (Dkt #46) and 18 Civ. 9830 (Dkt. #48).

Dated: December 8, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE